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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION

DOCKET CONTROL

Arizona Corporation Commission

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SEP 21 2012

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COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

In the matter of:

ARIZONA GOLD PROCESSING, LLC, an
Arizona limited liability company,

AZGO, LLC, an Arizona limited liability
company,

and

CHARLES L. ROBERTSON, a married man

Respondents.

DOCKET NO. S-20846A-12-0135

SECURITIES DIVISION'S
RESPONSE TO RESPONDENTS'
MOTION TO CONTINUE HEARING
CURRENTLY SET FOR OCTOBER 9,
2012

(Assigned to the Hon. Marc E. Stern)

The Securities Division ("Division") of the Arizona Corporation Commission hereby requests that Respondents' Motion to Continue Hearing Currently Set for October 9, 2012, be denied for the reasons outlined below.

On April 6, 2012, a Temporary Order to Cease and Desist and Notice of Opportunity for Hearing was filed against the Respondents. Respondents requested a hearing on April 30, 2012. On May 7, 2012, Administrative Law Judge Stern issued a Procedural Order scheduling Pre-hearing Conference for May 30, 2012. An Answer was filed on May 9, 2012.

On May 30, 2012, counsel for Respondents appeared at the Pre-hearing Conference. The hearing was scheduled to begin on October 9, 2012 and setting aside four additional days for hearing.

Two weeks prior to the scheduled hearing, the Respondents "essential" witness is traveling out-of-the-country and coincidentally is unavailable to testify. On August 31, 2012, the

1 Respondents provided their list of witnesses including Dr. Hayes. Dr. Hayes' travel schedule was
2 not addressed at this time.

3 The hearing was set four months ago. The Respondents have had ample time to prepare
4 and resolve potential date conflicts with their witness, especially an "essential" witness. The
5 Respondents stated that "the Securities Division itself has notified Respondents that it intends to
6 call Dr. Hayes to testify at the Hearing." This is just not the case. The Securities Division will
7 conduct its cross-examination of this witness, if necessary; however, the Securities Division did
8 not list Dr. Hayes as a possible witness.

9 The Securities Division suggested that we proceed with the scheduled hearing and request
10 that an additional day be set to take Dr. Hayes' testimony when he will be back in Arizona.
11 Respondents stated that this was not possible. Respondents indicated that Dr. Hayes would need
12 to be present for the testimony of the Securities Division's expert. It was suggested that both
13 parties' experts be scheduled for a later date that was mutually convenient. Respondents then
14 notified the Securities Division that it was necessary for Dr. Hayes to attend the entire
15 proceeding.

16 Based upon the Respondents' Motion to Continue Hearing Currently Set for October 9,
17 2012, the subject of Dr. Hayes testimony centers around the processing of the ore and the
18 equipment utilized in that process. That testimony would address one portion of the allegations
19 related to A.R.S. §44-1991 allegations. There is no need to continue the entire hearing.

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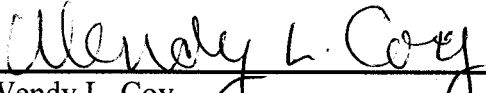
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1 Pursuant to agency rules, R-14-3-109(Q), a continuance is granted only on a showing of
2 good cause. Respondents have not met their burden. For the reasons listed above, the Securities
3 Division requests that the Respondents' Motion to Continue Hearing Currently Set for October 9,
4 2012, be denied.

5 RESPECTFULLY SUBMITTED this 21st day of September, 2012.

6 ARIZONA CORPORATION COMMISSION,
7 SECURITIES DIVISION

8 
9 Wendy L. Coy
10 Attorney for the Division

1 SERVICE LIST FOR: ARIZONA GOLD PROCESSING, LLC, AZGO, LLC and CHARLES
2 L. ROBERTSON

3 **ORIGINAL** and **13 COPIES** of the foregoing filed
4 this 21st day of September, 2012 with:

5 Docket Control
6 Arizona Corporation Commission
7 1200 W. Washington St.
8 Phoenix, AZ 85007

9 **COPY** of the foregoing hand delivered
10 this 21st day of September, 2012 to:

11 The Honorable Marc E. Stern
12 Hearing Division
13 Arizona Corporation Commission
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